

23-620 AWARD OF CONTRACT (Continued)

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- .3 The state will review this material in order to determine the responsiveness and potential responsibility of the recommended contractor, and conformity of the county's recommendation to the state and federal procurement laws and regulations. Upon making a determination, the state shall respond to the county in writing with an approval or denial of state and federal funding of the award. If the county award is not approved, the state shall set forth the conditions, if any, by which county may gain approval for funding. The state will notify the county within 15 calendar days of receipt if the required material is complete or deficient, and within 45 calendar days, upon receipt of complete information, of its decision on the award.
- .31 The state's time periods, based on actual performance, for approval of awards for In-Home Supportive Services contracts during the two years preceding the proposal of this section were as follows:
- .311 The median time was 21 days.
- .312 The minimum time was 9 days.
- .313 The maximum time was 85 days.

23-621 CONTRACT PERIODS

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- .1 A contract originally obtained by bid may be renewed without rebidding under the following circumstances if the potential for renewal has been included in the IFB or RFP. Contract terms and rebidding are limited as follows:
- .11 Contracts which are procured by formal advertising (IFB or RFP), or negotiated contracts with other governmental agencies or public education institutions, are normally limited to no more than a three-year term, at which time they must be rebid or, if appropriate, renegotiated under the terms of Section 23-650, Procurement by Negotiation.
- .12 Contracts with private individuals, firms, or agencies which are procured through negotiation, are normally limited to a one-year term. Toward the end of the term, the criteria for procurement by negotiation contained in Section 23-650 shall be reapplied to determine whether or not the contract should be procured through formal advertising.
- .13 Contracts for the provision of In-Home Supportive Services shall not exceed two years. However a two-year contract may be renewed at the end of the two-year term without rebidding, for one additional year.

23-621 CONTRACT PERIODS (Continued)

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- .14 Contracts for services which implement SDSS sponsored demonstration projects may have terms to cover the length of the project if necessary to maintain the experimental integrity and continuity of the project.
- .15 Contracts for periods longer than those stated above shall be allowed only if SDSS approval is obtained prior to the start of the procurement process.
 - .151 Counties shall request extended contract periods in writing, and shall describe the program and cost benefits of a longer contract. Counties shall also describe the level of competition for such contracts in their area.
 - .152 SDSS will review the request for cost impact, overall benefit to the program, the impact on competition of the longer term and conformity to state and federal procurement laws and regulations. SDSS will respond to the county in writing, stating its reasons for any denial of a longer term. SDSS will respond to the county within 15 calendar days of receipt, if the required information is complete or deficient, and within 30 days upon receipt of complete information of its decision on the extended contract term.
 - .153 The state's time periods, based on actual performance, for approving contracts terms in excess of the terms allowed in regulations during the two years preceding the proposal of these regulations were as follows:
 - (a) The median time was 46 days.
 - (b) The minimum time was 27 days.
 - (c) The maximum time was 88 days.

23-621 CONTRACT PERIODS (Continued)

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- .16 The rate of reimbursement for an additional period let under the circumstance provided in Section 23-621 shall be negotiated with the existing contractor based on the following:
 - .161 Actual expenditures by the contractor, as documented during the first contract term and approved by the county and SDSS.
 - .162 Changes in federal, state or county program requirements.
 - .163 State and federal minimum wage and contractual step merit increases.
 - .164 Changes in statutory taxes.
 - .165 Changes in insurance costs.
 - .166 Profit may be renegotiated but shall not exceed the percentage of profit, based upon total cost, as bid or negotiated in the first term.
 - .167 Other reasonable costs or increases in cost over which the contractor has no control.
 - .168 In negotiating costs for an additional term, the county must assure that these costs accurately reflect current contract performance and are not inflated to recover costs which may have been underbid by the contractor during the original bidding process.
 - .169 The county shall assure, by audit if necessary, that all cost increases are reasonable and necessary to the continuation of the contract.
- .17 The duration of Food Stamp Issuance contracts is governed by MPP Section 63-601.242.